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ABSTRACT

This report examines the various policies that affect the rights of unaccompanied refugee children as defined by the Refugee Act of 1980. Included is a discussion of the appropriate interrelationship between the Federal, State and local governments and voluntary agencies in the establishment and funding of refugee programs; and the appropriate response of the Federal government to unaccompanied children. These children are said to have the following rights: (1) preservation of ethnic identity; (2) access to family reunification; and (3) access to programs developed with the participation of the Federal government, voluntary agencies and the State and local governments. Also reported are the responsibilities and guidelines for programs administered by the Office of Refugee Resettlement, the adjustment problems of Indochinese and Cuban, and Haitian refugee children, and recommendations for general program guidelines and for foster care programs for unaccompanied minors. (JCD)

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UNACCOMPANIED REFUGEE MINORS

Policies and Programs

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Day and night, inexorably, the silent ghost armies struggle over deserts and through jungles, thread rocky mountain passes, cling to darkened tramp freighters and fishing snacks across miles of heavy seas.....The greatest wave of refugees and displaced persons in modern times.....That will bring the total number of men, women and children uprooted by war and famine to an unprecedented 17 million.....

.....there is evidence of mounting unwillingness among the industrialized countries, including the United States -- and among the less developed nations as well -- to continue to welcome the refugees at home or keep them alive in hundreds of camps across the globe.....

The influx of almost 150,000 Cubans and Haitians has aroused an anti-refugee sentiment that.....may well be reflected strongly in the new, more conservative Congress of 1981.

"The Refugee Explosion",
Tad Szulc, The New York
Times Magazine, 11/23/80

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FOREWORD

Since mid-1979, 285 young Vietnamese refugees have entered New York State's foster care system. Another 250-300 will be placed in foster care across the state during the remainder of 1981.

Members of Citizens' Committee for Children of New York in late 1979 began a survey of the kind of care provided for these vulnerable youth. A task force, chaired by Mrs. Eric Haight, collected information, visited voluntary agencies that were caring for the children, and discussed the programs with federal, state and New York City public officials. Based on our fact finding, In Search of Safe Haven was published with recommendations for the policies and procedures that should govern programs for unaccompanied minors from foreign countries when they are placed in our foster care system.

In November, 1980, the task force, again under Mrs. Haight's leadership, returned to the task. We wanted to determine how the first group of young Vietnamese had fared during their year in the country, to review the types of programs planned for the coming year, and to study the nation's new Refugee Act. In addition, there were disturbing reports about the treatment being accorded unaccompanied children found among the large numbers of Cubans and Haitians who arrived in the "boat flotilla" beginning in April, 1980.

This year, the Task Force and staff have examined information received from each of the nine voluntary agencies that have provided care for the Indochinese youth and met informally with a number of the boys and girls. We have reviewed the program proposals submitted by the nine agencies and three others, for the care of an additional group of similar children.

Two speakers addressed the Task Force: one who had assisted in the placement of some unaccompanied Cuban minors and another who had worked with the office of the United Nations High Commissioner for Refugees in Thailand. Meetings were held with representatives of the various public and private agencies responsible for the care of unaccompanied children. We visited one institution in New York State where a number of unaccompanied Haitian children are detained by the federal government. Permission to visit the facility was denied by the Office of Refugee Resettlement - as it had been denied to all others - until just before this report was completed.

The Task Force convened an all day working session in January with representatives of the federal, state and city governments and national and local voluntary agencies attending. Three officials from the Office of Refugee Resettlement, Department of Health and Human Services, discussed the Refugee Act of 1980 and public policy issues with the group. The discussion was based on an analysis of the statute and other background materials provided by Citizens' Committee for Children.

Based on our observations and the information we have collected, we reaffirm our earlier recommendations and add several more. Our initial recommendations have been endorsed, for the most part, by the State of New York and the Office of Refugee Resettlement insofar as the unaccompanied Indochinese minors are concerned. We believe that most of those youth are doing well and that New York's public and voluntary agencies have done well by them. We are deeply concerned at the plight of the unaccompanied minors from Cuba and Haiti. Our reasons for both statements are documented in the body of this report.

We wish to thank the Field Foundation whose grants enabled us to conduct the studies, last year and again this year. Foundation Board members and staff have been a source of encouragement as we have proceeded.

Additionally, we wish to express our appreciation to Dennis Gallagher, William Eckhof, Elizabeth McDaid and Sandra Garrett of the Office of Refugee Resettlement; Alan Ross, Associate Commissioner, Joseph Ryu and Marie Mercer of the State Department of Social Services; Claire Pearce, Assistant Commissioner, Robert Heischober and Beverly Gross of Special Services for Children, New York City Department of Social Services; Dr. Rita Ortiz, Columbia University School of Social Work; and Sandra Sennett, former Children's Officer for the United Nations High Commissioner for Refugees in Thailand. Finally, we want to thank the directors and staff of the agencies providing care for the Indochinese and Haitian children for their cooperation.

Mrs. Jesse D. Wolff
President

Bernard C. Fisher
Executive Director

RECOMMENDATIONS

"Unaccompanied minor" is a self-explanatory term: it means a child who is not accompanied by a parent or other close adult relative. In every large concentration of refugees - whether in the first asylum camps for Vietnamese in Malaysia, for Cambodians in Thailand, in Pakistan for Afghans, or those in the United States for Cubans and Haitians - such children are to be found. Some will have become separated from their families during the flight from their native country; others may have fled on their own or with a group from their town or village; some may have been sent as "anchor children."[1]

Our recommendations, and the report that supports them, are concerned with the policies and procedures that govern the provision of care for unaccompanied minors in the United States and with the types of care that are provided. Currently there are three groups of unaccompanied minors: Indochinese, Cuban and Haitian. They have been provided care under quite different procedures, primarily because of their legal status and the way they entered the country.

The Indochinese children were identified as unaccompanied minors in first asylum camps in Southeast Asia, screened by United States officials and accepted for legal admission to the country with the status of refugee. Thereafter, they were accepted by either the United States Catholic Conference or the Lutheran Immigration and Refugee Service and brought to the country only when a placement with a local voluntary child care agency had been secured. Before a local agency may establish a program for these children, the approval of both the Office of Refugee Resettlement (ORR) and the agency's state department of social services is required. The local agency may accept or reject any child referred to it.

The Cuban and Haitian children, by contrast, arrived in the United States beginning last April without any prior screening and lived here in large first asylum camps with the other "boat flotilla" people. After a number of months, the Immigration and Naturalization Service screened the groups, identifying

1. These are children sent out of their country to refugee camps, sometimes at great cost as well as physical danger, in the hope that when they are resettled they will facilitate their parents' or siblings' entrance to the new country.

the boys and girls who were unaccompanied and under 18 years of age. In October, Congress placed the groups in the category of "entrant (status pending)" and provided them with the benefits of refugees but not the legal protections.

At that time the unaccompanied minors were placed in the legal custody of ORR and that agency then started upon the process of placing them. It has not worked with the national voluntary resettlement agencies in this.

I. Recommendations to the United States Congress

1. The annual appropriations for refugee services should provide for 100% reimbursement to the states for all the unaccompanied minors programs. The states cannot be expected to underwrite this national humanitarian policy, particularly when the refugee population is so unevenly distributed among the states. Anything less than 100% reimbursement will make it more difficult to secure state approval and participation in the programs for unaccompanied children.

2. The Refugee Act of 1980 should be amended, or there should be a new statute, to provide adequate "first asylum" procedures for people who seek refuge here. This legislation should provide, at least, specialized treatment for unaccompanied minors, recognizing that children are particularly vulnerable and may be propelled here for quite different reasons than adults. Specifically, the legislation should mandate:

   a. The immediate screening of all children to identify those who are unaccompanied;
   b. The prompt transfer of temporary custody of the unaccompanied entrant minors from the Immigration and Naturalization Service to the Office of Refugee Resettlement;
   c. The placement of the unaccompanied minors in appropriate settings pending a determination of the legal status of the entire group of which they are a part;

d. Provision of services for all unaccompanied minors, irrespective of their legal status, that are equal in extent and kind with those available for all other children in foster care under the administration of the states.

3. The Office of Refugee Resettlement should be authorized to draw funds for the care of any unaccompanied minors found in first asylum camps in the United States, from existing federal programs pending Congressional appropriation. ORR should be authorized to reimburse the states and national voluntary resettlement agencies 100% of the cost of care for these children.

II. Recommendations to the Office of Refugee Resettlement

1. Regulations to implement the Refugee Act of 1980 should be promulgated as soon as possible.[2] Much of the material proposed below has been included in "action transmittals." This material should be in regulations that have the force and effect of law, however. Regulations for foster care programs for unaccompanied minors should include the following provisions:

   a. Only state or local departments of social services and child care agencies, licensed by the states in which they are located, may provide care for unaccompanied minors.
   b. A voluntary agency may operate a program for unaccompanied minors only with the prior approval of the state department or agency that licensed it.
   c. All programs must provide information and physical access to appropriate state and local officials responsible for child care.
   d. All programs must provide information and access to bona fide child advocacy groups, to the extent that such information and access do not violate the children's right to confidentiality.
   e. All services available for any other foster care child within a state must be available for unaccompanied minors in that state.

2. The administration announced a 60 day freeze on the promulgation of regulations on January 29. See Appendix A for procedures and the original time table of ORR.

f. Legal responsibility, or custody, of the child must be established according to state law and must be vested in a public official.

g. No unaccompanied minor is eligible for adoption unless the circumstances are individually approved by the Director of ORR. Such approval shall be granted only after a thorough search has established that there are no close relatives able and willing to provide a permanent home.

h. Foster care living situations must be decided upon only after a careful assessment of the needs of each child has been made under the state's regular process. The assessment must take into account the child's age, social and family situations, cultural identification, orientation and goals. The wishes of the youth must be considered. To the extent possible, a placement should be made with, or close to, persons of the child's own ethnic heritage.

i. To the extent possible, all programs must provide for the preservation of the children's ethnic and religious heritage. All programs shall provide for the children's integration into the mainstream of life in the United States.

j. All agencies caring for unaccompanied minors must offer a range of placement alternatives: foster family homes, agency operated boarding homes, group homes and independent living situations. No child may be placed in a large congregate shelter or an institution unless there are unusual circumstances and then only with the prior approval of the appropriate state official.

k. All programs shall assist children in reuniting with family members, working in cooperation with the national voluntary resettlement agencies and state and local public officials. This should be done with all reasonable speed. However, the wishes of the youth must be considered in each proposed reunification.

l. All programs must provide job training and preparation for independent living, as well as English as a Second Language,

for adolescent youth who will remain in care for only a few years.

m. To the extent possible, unaccompanied refugee minors should be provided with a two week reception/orientation period upon their arrival in the country. It should be in a small group setting for not more than 10 or 12 children at any given time.

2. The annual budget request of ORR should provide for 100% reimbursement to the states for authorized programs for unaccompanied refugee and entrant minors.

3. ORR should request of the United States Congress statutory authorization to:

   a. Draw on funds available to the Departments of Health and Human Services, State and Justice in emergency first asylum situations; and
   b. Reimburse states and national voluntary resettlement agencies 100% of the costs involved in their participation in instances of emergency first asylum care for unaccompanied minors.

4. ORR should proceed immediately to develop - in cooperation with the Immigration and Naturalization Service (INS), the state governments, and the national voluntary resettlement agencies - contingency plans for the prompt removal of unaccompanied minors from large first asylum camps to small reception centers. These plans should include:

   a. Identification of appropriate child care agencies, reasonably close to potential entry sites, that might be used as reception centers for the initial screening of unaccompanied minors transferred to ORR by INS;
   b. Agreement of the agencies and of the states in which they are located for use of their facilities in emergency situations.

c. Development of regulations governing (1) the care of children in these facilities, (2) provisions for prompt search for family reunification possibilities; (3) provisions to involve immediately the national voluntary resettlement agencies and state governments in plans for foster care placements of the unaccompanied minors.[3]

5. ORR should request the national voluntary resettlement agencies to work with those states that agree to develop foster care programs for the unaccompanied Haitian entrant children now residing at the Krome South camp in Miami, Florida and at the Hope Farm campus of Greer Woodycrest Children's Service in Millbrook, New York as well as for any other unaccompanied Cuban or Haitian entrant children who are identified in the future and transferred to either facility.[4]

   a. This request should be addressed to all the national resettlement agencies, not just those that have participated in the programs for unaccompanied Indochinese minors.
   b. The states should be asked to notify all the public and voluntary child care agencies that they license, inviting their participation.

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3. We believe that unaccompanied first asylum children should be maintained in these emergency reception centers for a minimum period of time, thirty days at most.
   The existence of a detailed plan of action will serve as a prod to the federal and state bureaucracies.

4. In a letter to state refugee coordinators or commissioners of social services, the Director of ORR indicated that Haitians are expected to continue to come to the country and that approximately 2% of them will be unaccompanied minors.

Part I STATUTES: REFUGEES AND ENTRANTS

The Refugee Act of 1980 (P.L. 96-212) was enacted by Congress and signed by President Carter in March, 1980. Passage followed months of study and hearings by Congressional committees. Its provisions constitute the first broad statutory authorization for refugee resettlement in the United States and for assistance policies in the country for refugees from any country or region. In the past we have had special statutes governing assistance to Cubans, Hungarians, Soviet Jews and Indochinese and have admitted large numbers of these refugees under the "parole" authority of the United States Attorney General.

Despite the comprehensive nature of the statute, there are important issues with which it does not deal: specifically, those that arise when the nation is the country of first asylum. President Carter's signature was barely dry when large numbers of Cubans and Haitians began to arrive by boat on the shores of Florida.

As the boat flotilla continued, the political controversy escalated: were these persons refugees "in the true sense of the word," that is, fleeing from persecution, or were they fleeing from economic conditions and Cuba's prisons? The issue was temporarily resolved by passage on October 10, 1980 of the Fascell-Stone amendment to the Refugee Education Assistance Act (P.L. 96-422). This statute establishes the category of "Cuban/Haitian Entrant (Status Pending)" and extends to the group the benefits - education, social services and the like - available for refugees.

There is a basic procedural difference between those presently deemed to be refugees and the Cuban/Haitian Entrants. The refugees are screened in their home country or a third "first asylum" country, certified as refugees by the Immigration and Naturalization Service and officially admitted to the to the United States within the numerical limitations set by the federal government. The Cubans and Haitians simply arrived without advance screening and far exceeded the number authorized to come to the country in 1980 from

all of Latin America (20,000) and, indeed the number of all refugees from any area authorized to enter the country in 1980 and 1981.[5]

With the advent of the new administration and new Congress, refugee matters - particularly the numbers to be admitted, the definition of refugee, the handling of undocumented aliens, reimbursement to the states for refugee services - will be at issue. Some influential Congressmen have suggested major revisions in the Refugee Act. In the meantime, the key provisions of that Act and the Refugee Education Assistance Act as they apply to unaccompanied minors need to be considered.

Purpose:

Title I sets forth the purpose and objectives of the Act, declaring that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their home lands. It states that the Act is to (1) provide a permanent and systematic procedure for the admission of refugees, and (2) provide comprehensive and uniform provisions for the effective resettlement and absorption of refugees.

Definition of Refugee
Admission of Refugees

Title II, Sec. 201 defines the term "refugee" to mean a person outside his country of nationality, or a person having no nationality, who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. It further provides that the President, after appropriate consultation, may specify special circumstances under which a person residing in the country of his nationality (or a person having no nationality within the country in which he habitually resides) and who is persecuted or fears persecution for those same reasons may be deemed refugees.

This definition covers persons of all nationalities who are persecuted or fear persecution for one of the five stated reasons. The refugee status of persons who left Vietnam, Laos and Cambodia for the first asylum camps in Southeast Asia has never been seriously questioned. It has been assumed that they were fleeing a Communist government and its persecution.

5. Refugee Reports, Vol. II, January 30, 1981, American Public Welfare Association, Washington, D.C. Refugee Act of 1980, Title II.

Section 207 of Title II provides for the annual admission of refugees, establishes procedures for the emergency admission of refugees and mandates consultation between the executive and legislative branches of government. The admission of up to 50,000 refugees in each fiscal year - 1980, 1981, 1982 - is authorized. Thereafter the number is to be determined, prior to the beginning of the fiscal year, by the President after appropriate consultation and upon justification of humanitarian concerns or the national interest.

The President is authorized to admit additional numbers, after appropriate consultation and upon a determination that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission of the refugees cannot be accomplished within the established quota for that year.[6]

The "appropriate consultation" mandated by Section 207 with respect to the admission of refugees is specified as meaning discussions in person by Cabinet level representatives of the President and members of the Senate and House Committees on the Judiciary. The determination of Congress to be involved is underscored by a requirement that the administration provide the Committees with detailed information on all apsects of the refugee situation, the economic impact their admission would have on the country, and the like.

U.S. Coordinator for Refugee Affairs

Title III, Part A provides for the appointment of the coordinator by the President with the advice and consent of the Senate. This person, with the rank of Ambassador at Large, is responsible to the President for the broad range of refugee matters - policy development, budget strategy, relations with Congress and the States, and, under the direction of the Secretary of State, with foreign governments and international organizations. The Secretaries of Labor and Education are required to give the Coordinator regular reports on their programs for refugees.

6. Presumably this section could have been used to govern the status of the Cubans and Haitians if it had been politically feasible. The same section authorizes the Attorney General to terminate the refugee status of any alien later determined not to have been within the definition of refugee at the time of admission.

Office of Refugee Affairs

Title IV Chapter 2, establishes the Office of Refugee Resettlement (ORR) as a named office in the Department of Health and Human Services (HHS) and authorizes programs for domestic resettlement and assistance to refugees. The Director of ORR is an appointee of the Secretary of HHS. The function of the office and its director is to fund and administer programs of the Federal government for refugees.

Within available funds, ORR is to provide for employment training and placement, English language training, and cash assistance when needed. As a condition for receiving federal funds for refugee services, each state must develop a plan. [Sec. 412 (a) (6)] The plan must include a description of the way in which the state will provide "for the care and supervision of and legal responsibility for unaccompanied refugee children in the State."

Sec. 412 (c) provides that child welfare services, including foster care maintenance payments and services and health care, may be provided for an unaccompanied minor until the month after the child reaches his 18th year (or such higher age as the State's child welfare services plan, Social Security Act, Title IV B, permits). The Director of ORR must attempt to arrange for the placement of unaccompanied refugee children under the laws of the states and until such time as placement is achieved - while in the United States or in transit - the children are the legal responsibility of the Director. In handling the placement of the unaccompanied children, ORR is authorized to enter into contracts with appropriate public or non-governmental non-profit agencies under such conditions as the Director deems appropriate.

Cuban/Haitian Entrants

As noted earlier, an amendment to the Refugee Education Assistance Act (P.L. 96-442) established the entrant category and extends to them the social service benefits available for refugees. It was passed in October as the pressures grew from states with large numbers of the new arrivals from Cuba and Haiti.

Title V, Sec. 501 (e) defines the term Cuban and Haitian Entrant as "any individual granted parole status as a Cuban/Haitian Entrant (Status Pending)

or granted any other special status subsequently established.....and any other national of Cuba or Haiti with respect to whom a final, non-appealable and legally enforceable order of deportation or exclusion has not been entered." The term applies only to those who came to the country between November 1, 1979 and October 10, 1980, the date the amendment was passed.[7]

Sec. 501 (a) of the same Title provides that the President may exercise the same authorities with respect to Cuban and Haitian Entrants as he may exercise with regard to refugees under Title IV, Chapter 2 of the Refugee Act just discussed above.

In effect, then, the statute vests in ORR the responsibility for providing social services benefits for the Cubans and Haitians, or reimbursing states for their costs. Similarly, it transferred legal responsibility or custody of the unaccompanied minors among them from the Immigration and Naturalization Service to ORR once they had been screened and issued the parole status.

There is no provision in this statute for the entrants to move from that status to "permanent resident" and then to citizenship.

Comment:

The Refugee Act of 1980 represented a triumph for its sponsors when it was enacted. It provides a coherent and flexible approach for the nation in the admission and provision of necessary assistance to refugees generally, consolidating the various statutes for different groups of refugees. It provides for fair and uniform treatment of all those officially determined to be refugees, subject, of course, to the differences between the fifty states in the provision of social service benefits, education and the like.

Over the years the United States has admitted many thousands of refugees - some individually and others in large groups. Twice the nation has served in

7. This is the time span indicated by the sponsors of the amendment prior to its enactment. (Congressional Record, 9/25/80. P. S13495-97) The time period has been extended, at least as to unaccompanied minors, to include "Cubans and Haitians who arrived in the United States since October 10, 1980, and have been released by the Immigration and Naturalization Service pursuant to INS regulations and otherwise qualify under any of the categories specified in Section 501 (e) (2) of P.L. 96-422.

some respects as a first asylum country: for Cubans in the 1960s and for the Indochinese in 1975. Nevertheless, the legislators made no provision for the reception of large numbers of people arriving precipitously in the country as did the Cubans and Haitians - 125,000 strong within a few months time.

A decision as to whether the Cubans and Haitians fled from their countries because of persecution or fear of persecution and therefore are refugees - or for economic reasons and therefore are not refugees - was avoided by creating the new category of "entrant." This was done only after many of them had spent months in large camps or on the streets of Miami and other parts of Florida. A Task Force, composed of representatives of the Departments of State and Health and Human Services and the Immigration and Naturalization Service provided what services were available, drawing funds from the three departments. As will be shown later, there were and continue to be serious problems for the unaccompanied minors in their midst.

We believe that the United States must address this problem since it is quite possible that other large groups from other countries, particularly from Latin America, may make their way to our shores. We recognize that there are social and economic issues, as well as humanitarian concerns, involved and that a political concensus may be some time in the making. In the meantime, however, we believe that the Refugee Act should be amended, or a new statute drawn, to make provision for the immediate and appropriate placement of unaccompanied minors identified in any such group.

Part II UNACCOMPANIED INDOCHINESE CHILDREN
IN NEW YORK STATE
August, 1979 -

Several hundred Indochinese refugee children now live in New York State's foster care system. They arrived here between August, 1979 and the present and have been provided care by nine voluntary child care agencies. Two-thirds of the young people came to the state between August and December, 1979 and thus have had a year's exposure to a new culture and all that that implies.

They were brought to the country by the United States Catholic Conference and the Lutheran Immigration and Refugee Service with the approval of the Office of Refugee Resettlement (ORR).[8] They were settled in New York after the State Department of Social Services (SDSS) approved programs proposed by the agencies, programs that were subsequently endorsed by the respective local departments of social services.

The nine agencies that have provided care for the children are:

Catholic Charities	Syracuse
Catholic Family Center	Rochester
Catholic Guardian Society	Brooklyn
Catholic Home Bureau	Manhattan
Lutheran Service Society	Buffalo
Mission of the Immaculate Virgin	Staten Island
St. Agatha Home	Rockland County
St. Christopher's Home	Nassau-Suffolk Counties
St. Dominic's Home	Rockland County

Altogether, 285 young people, 242 boys and 43 girls, were placed with the agencies. Of this number 14%, 40 children, have been reunited with parents or other relatives. Five have been discharged to their own responsibility - that is, they have left the foster care system entirely - and four are living independently with minimal supervision. Two hundred and thirty six remain in the full care of the agencies. Except for ten who have been placed in group

8. At that time, the agency was known as the Indochinese Refugee Assistance Program. Then and now, it is located in the Department of Health and Human Services.

homes, all are with foster families.

During the course of this year's survey we submitted a questionnaire to each of the agencies and met informally with a number of the boys and girls.[9] We also met with some of the foster parents, discussed the programs with agency staffs and personnel of the State and New York City Departments of Social Service, and enjoyed attending a Tet (New Year) celebration at a group home that MIV runs for some of the youth.

This has been a unique program for the State's foster care system, one that appears to have worked extremely well. We believe it required courage for the agencies and the foster families to assume responsibility for adolescents from an entirely different culture; who spoke little, if any, English and had been through the traumatic experiences of flight from their own country and life in a refugee camp. The hard work of the agencies and the youth's own resiliance and fortitude were obvious both when we talked with the boys and girls and analyzed the results of the questionnaire.

The youth that we interviewed both years told us that they wanted to be placed with American - non-Asian - families. The reason: they would learn English faster. New York's foster care system requires that, to the extent possible, children should be placed with foster parents of like background and last year the agencies tried unsuccessfully to locate homes with refugees and persons of Asian descent. With few exceptions the youth have been placed with white middle class families by all of the agencies. The agencies have confirmed that the children did, indeed, wish to be placed with this type of family. We believe that it is extremely important to consult the wishes of unaccompanied minors in making placement decisions and so recommend.

One question we posed to the youth this year was about a reception center. Last year the youth placed with New York City agencies - the Mission of the Immaculate Virgin (MIV), the Catholic Guardian Society and the Catholic Home Bureau - spent their first 60 days in the country at a large reception center operated by MIV. They were given medical and dental examinations, educational assessments and made home visits to potential foster parents. The

9. The above information and the statistics that follow were taken from a questionnaire that the agencies were asked to complete with information through October 1, 1980.

children placed with the other agencies were met at the airport by bi-lingual workers and placed immediately with foster families. As a rule, the child spoke little English and the family spoke no Chinese or Vietnamese.

The Committee believed then - and reaffirms that belief now - that a small center for an orientation period of no more than two weeks would be the most appropriate reception for unaccompanied refugee children. It would provide time for them to learn some of the basics - they have arrived without any understanding of foster care, for example - and avoid the trauma that some must experience when they are separated from peers or other refugees with whom they have travelled.[10]

The youth with whom we spoke agreed - saying it would be "too frightening" to go directly to a family. And one asked "How could I talk to them?" Despite our reservations about the direct airport/foster family placements - we must state that they have worked extremely well, if the replacement rate, or transfer from one home to another, is a guide. It has been practically the same for both types of placements.

Our questionnaire results indicate that 85% of the youth placed in New York State as of October 1, 1980 were between their 15th and 19th birthdays. This age group is generally considered the most difficult group to place in foster care and shifts from one family to another occur frequently, almost regularly. In addition, the foster families were primarily new to the system - that is, they had not cared for foster children in the past but had, for a variety of reasons, volunteered to care for the Indochinese.

In that light - older adolescents from an entirely different culture and foster parents new to the system - the fact that only 60 of the children, or 25%, have had to be placed with more than one family is extraordinary. Undoubtedly, it represents the youth's ability to adjust to a new culture, but it also shows the care that must have been exercised in selecting foster families and the support given the families by the agencies.[11]

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10. MIV and SDSS apparently agreed with our views on this but, unfortunately, it was not possible to secure the funds for MIV's excellent proposal for a small center.

11. We should note here that the youth arrived at different times so we do not know how many have been in placement for specific lengths of time; nor do we know how many children have been replaced more than once.

The reasons cited by the agencies for the replacements seem to underscore our recommendation of last year for a variety of placement alternatives: foster family homes, agency operated boarding homes, group homes and independent living. They also provide some insight into the type of children in the group and show the importance of consulting the youth themselves. The reasons included

- the difficulty experienced by the youth in adapting to the role of a dependent child;
- the withholding, by the youth, of affection and an unwillingness to become a part of the family;
- the inability of both the youth and the foster parents to accept the difference in cultures;
- the minor's impatience with the system and desire for money or independence.

The second reason, the youth's withholding of affection and remoteness, was something we sensed in talking to the boys and girls. While they appreciated the care they were receiving, they had their own agenda which did not appear to include the establishment of close ties. All of them wanted to finish their education, to get a job, to earn money. Additionally, several said that although it had been more fun when they lived at the MIV reception center - or it would be more fun to live at the group home - they preferred staying with the families: if they were in a group situation they would speak Vietnamese or Chinese and not learn English well.

Again this year we found that the youth had strong materialistic values and this has been confirmed by the agencies. A number of the children have siblings or other close relatives living in other states. They prefer to live in New York with their foster families, however - in some cases because the relatives are on public assistance; in others, because they are aware that if they stay in school they can stay in foster care until they are 21 in New York but must leave care at age 18 in the other state.

We asked the agencies to evaluate how well the children are adjusting to life in America and how they were progressing in English fluency. The

agencies reported that 144 (56%) of the children still in care were "settling into their life in America" adequately and another 81 (31%) were doing excellently. Only 33 were reported to be adjusting poorly. The figures on their progress with the English language were similar: 127, or 49%, are doing adequately; 91, or 35%, excellently and 40, 16%, poorly.[12] All of the youth who remain in care are attending school: seven are in college; 22, in elementary or junior high school; the remainder are in high school.

Another sign of the strengths of this group of children: there have been no serious mental health problems, requiring hospitalization, and only three children are receiving therapy. Several agencies reported that a few children are subject to depression or are "somewhat" depressed. It should be noted, however, that several of the agencies also stated that they did not believe the youth would respond to western psychotherapy. None of the children were reported to have experienced serious health problems although, as one agency put it, they do have "overpowering dental problems."

All of the agencies seemed to find their relationships with the national voluntary agencies and SDSS to be satisfactory. We note here that this program appears to have been highly successful, providing a quality of care far beyond that which has been accorded unaccompanied Cuban and Haitian entrant children as will be shown. We believe that this is in large part because of the roles played by the national voluntary agencies and the State and local departments of social services. The importance of this will be shown in the discussion of the programs for the entrant children.

In summary - we have described a program that has rescued a group of children from appallingly dreadful refugee camps - and brought them to the state where they seem destined to lead constructive lives. We are pleased that the State has agreed that an additional 250 - 300 unaccompanied Indochinese minors may be placed here during 1981.

New Programs for Unaccompanied Indochinese Refugee Minors

Pulau Bidong, two years ago, was an island off the Malaysian coast that had never been inhabited "because it was uninhabitable."[13] Then, in a

12. These figures are higher than the total still in care since several agencies included information about children now reunited with families.

13. UNHCR, News From the United Nations High Commissioner for Refugees, No. 4, October/November, 1980, p. 8.

short period of time, close to 40,000 boat people from Vietnam were packed on to the few acres of land that had little to offer other than polluted water and shade from palm trees and bushes.

It was from this camp and similar ones that the unaccompanied Indochinese minors came to New York State. Another 250-300 young people will come here this year. Last year, we had serious objections to the manner in which the programs were established (almost behind closed doors), to the use of large institutions for extended care, and the lack of placement alternatives.[14] We recognized, of course, that the state had responded to a humanitarian policy of the federal government; that the voluntary child care agencies had responded to the initiative of their national counterparts, the United States Catholic Conference (USCC) and the Lutheran Immigration and Refugee Services (LIRS).

This year the process has been clear and carefully considered, publicly; the issues that had concerned us have been addressed.

Last May the State Department of Social Services (SDSS) wrote to the local departments of social services, telling them of the program plans and inviting their participation. At the request of SDSS, the New York State Council of Voluntary Child Care Agencies sent the same communication to all of its constituent agencies. By the fall of 1980 program proposals from 12 agencies had been submitted and approved by SDSS, with some modifications. They were subsequently approved for federal reimbursement by the ORR regional office.

This year SDSS required the agencies to provide for alternative living situations for the unaccompanied minors instead of just institutions or foster families. It recognized that: "for some refugee children, foster home placement may not be appropriate for the total period in which they may require foster care" and "institutional facilities are generally isolated from the mainstream of community life, thus precluding the opportunity for the youth to become adapted to American culture, and to become self-sufficient."[15]

By order of preference, the agencies are to use foster family homes, an agency operated boarding home (a family type home for not more than six children) or a group home (a family type home for not less than seven nor

14. In Search of Safe Haven, Citizens' Committee for Children, pp 1-7

15. New York State Department of Social Services, Administrative Directive 80 ADM-97

more than twelve children). Plans for each child's living situation must be approved by the agency's local department of social services and, in cases where the plan is not for a foster family, by the staff of the Refugee Assistance Program is SDSS. Additionally the agencies are required to plan for each youth's eventual transition to discharge and independent living.

These requirements are in line with our recommendations of last year and, we believe, recognize the realities involved in providing care for adolescents who have survived the rigors of escape and life in first asylum camps.

All of the children assigned to the agencies this year, with the possible exception of the Mission of the Immaculate Virgin (MIV) will have direct airport/foster family placements as described earlier. MIV had proposed a small reception center, based in a group home and capable of providing orientation and screening for most of the children slated for the six New York City agencies in the overall program. The proposal was approved by SDSS but ORR did not approve the extra funding that would have been required. Since, as noted earlier, MIV already operates a group home for the Indochinese minors it may be used as a reception center for children assigned to the agency.

Citizens' Committee for Children regrets that the MIV reception center proposal was not funded. We believe that the small short term reception center provides the best introduction to American life for the unaccompanied refugee minors.

The agencies that provided care for the unaccompanied minors last year will continue to serve those children still in care as well as additional numbers. The agencies and the numbers involved are listed in Appendix B as are the three new agencies.

We note that two of the new agencies are non-sectarian and not affiliated with either of the national voluntary agencies that resettle the unaccompanied minors. Opening the process to the entire child welfare system has made it possible for more Indochinese youth to find their safe haven in the state.

Part III CUBAN/HAITIAN ENTRANT UNACCOMPANIED CHILDREN

Last spring and summer the Cubans and Haitians arriving by boat on Florida's beaches became the legal responsibility of the Immigration and Naturalization Service (INS). As more and more arrived, they were transferred to army bases[16] and a series of make shift facilities in South Florida. A Cuban/Haitian Task Force, composed of representatives of INS, the Department of State and the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS), was hastily organized and, with limited funds garnered from State and HHS, provided initial benefits.

INS with a limited staff began to screen the new arrivals, granting some of them the status of "entrant, status pending, to be reviewed January 15, 1981." Those who were given this status were permitted to move to other states under sponsorships arranged by some of the national voluntary agencies affiliated with the Migration and Refugee Committee of the American Council of Voluntary Agencies.[17]

All of this was taking place while the nation was in the throes of an election in which the state of the economy was a major issue. Candidates for Congressional seats openly questioned the effect this new group would have on unemployment, welfare benefits and social tensions. The media reported, repeatedly, that Cuba was emptying its prisons and mental institutions at the expense of the United States. Similarly, the media reported, repeatedly, that the Haitians were fleeing economic conditions and did not fear persecution from their right wing dictatorship. One had to question whether the nation still believed those words "Give me your hungry, your oppressed....."

It is not surprising that in this atmosphere the officials in Washington ducked the issue. As described above, the Congress enacted and President Carter signed the statute establishing officially the "entrant (status pending)"

16. Primarily, Fort Chaffee in Arkansas; Fort Indiantown Gap, Pennsylvania; Camp McCoy, Wisconsin. In addition, some Cubans who admitted to a criminal record were confined to federal prisons.

17. These agencies, working through constituent agencies, local churches and the like, have traditionally handled the resettlement of refugees; helping to secure jobs and English language courses and providing them with a small allotment (reimbursed by the Federal government) to cover initial costs.

category that the INS was already using. The time of decision was postponed.[18]

As the INS screening process proceeded, more and more unaccompanied children, particularly Cubans, were identified. Arrangements were made for the United States Catholic Conference (USCC) to resettle them. Citizens' Committee for Children was told by a representative of the Conference that matters were so confused, first with the Cuban/Haitian Task Force and then with ORR, that it was virtually impossible to resolve issues. As a result they withdrew. Representatives of other national voluntary agencies reported similar problems.

Some unaccompanied Cuban children were permitted by INS to leave the camps with unrelated adults to whom they had become attached. Others continued to live in the large camps, unprotected and essentially unsupervised, mingling with adults of all backgrounds. A good many of the "ad hoc" placements broke down and the children, together with runaways from the camps, were found wandering the streets of Miami and other parts of Florida.

Some of the children, identified at Fort Indiantown Gap as unaccompanied minors, were placed with child care agencies in Pennsylvania. Still others, several hundred in number, were isolated in a remote section of Camp McCoy in Wisconsin. They remained there for several months, without any organized recreation or education, under the control of the military police and INS. Eventually, they were placed with foster families and child care agencies and institutions in Wisconsin.

The report on Camp McCoy provided to Citizens' Committee was a description of ineptitude and completely inappropriate handling of children and young people. We question if - and wonder how - the federal government will keep track of these children. We believe that if the children had been placed through state governments and with the cooperation of the national voluntary agencies they would be much better protected.

With the passage of the entrant status legislation in October, 1980, the provision of services for the entrants and the care and custody of unaccompanied children, were vested in ORR after the initial screening by INS. They were

18. As the January 15th date for rescreening approached, then Attorney General Civiletti ruled that the rescreening could be postponed until July 15th but warned that a determination as to the final status of the entrants would have to be made by that time.

now the responsibility of an agency with an orientation to human services.

As an official of ORR put it, they had all "been burned badly" by the placements of the Cuban children that had broken down. They determined to do something better for the unaccompanied entrant Haitian children who were then being identified.[19]

The regional staff of HHS were asked to help locate facilities that would be appropriate for the care of up to 200 children while long term plans were made. ORR staff made site visits to ten facilities and determined on two: one in South Florida and the Hope Farm campus of Greer Woodycrest Children's Service located in Millbrook, New York.

The facility in South Florida, known as Krome South, is operated directly by ORR; the one in New York is a contract facility. Both are considered detention facilities; i.e., the equivalent of first asylum camps. The children are in the legal custody of the Director of ORR and will remain so until such time as they are reunited with families or are placed in foster care with custody transferred.

In December ORR issued a "program instruction/action transmittal" (ORR-AT-80-7, December 10, 1980) to govern the placement of unaccompanied Cuban/Haitian entrant children from the two facilities. It requires agreement from the several states prior to placement and the provision to these children of all benefits available to other children within a state's child welfare system; frowns on placement in large rural institutions; encourages placements in a variety of living situations according to each child's needs; requires that steps be taken to help reunite the children with family members where possible and to preserve each child's ethnic, religious and cultural identity while providing for integration into American society; requires the provision of education, including English language and job training.[20]

As noted, ORR operates the facility in Florida, Krome South, directly. It was planned that ORR staff would be stationed at Greer Woodycrest to handle some of the negotiations with the states and to make placement referrals.

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19. The information and commentary that follows are based on statements of ORR staff at a meeting convened by Citizens' Committee for Children on January 21 and stated privately to CCC staff on other occasions; written material from ORR, a site visit to Greer Woodycrest, and the deliberations of CCC members.

20. This action transmittal responds to most of Citizens' Committee's major recommendations of last year. It is comprehensive and clear in its provisions.

The children were supposed to be placed after spending no more than 90 days at the facility. The first children arrived there December 5. Eighty-six days later - March 2 - none had been placed and the ORR staff had not been assigned to Greer Woodycrest. There has been no explanation as to why they were not hired and at the facility at the time the children arrived.[21] Of course, this proposed staff was affected by the job freeze announced by President Reagan on January 20.

Finally, in a letter dated February 12, the Director of ORR asked the commissioners of social services, or refugee coordinators, of 48 states (excepting Alaska and Hawaii) to assist "in identifying placement resources" within the particular state. No agreement had been reached with any state as of March 2, although there were informal discussions underway at least with New York State and one of the voluntary child care agencies in New York City.

It should be noted here that in selecting Greer Woodycrest as the northeastern detention center for unaccompanied Haitian children, ORR did not consult with the New York State Department of Social Services (SDSS), the licensing agency.

Greer Woodycrest

The Hope Farm Campus of Greer Woodycrest Children's Service is located in the rural, rolling countryside of mid-New York State, close to the city of Poughkeepsie and a two hour drive from New York City where the majority of the state's Haitian population lives. It has some of the finest facilities of any child care institution in the state, although it had been closed as a residence prior to the arrival of the Haitian children.

On February 27 six members of Citizens' Committee for Children visited the facility. We spent approximately an hour and a half discussing the program with the president of the agency and his assistant. Following that we toured the campus with others of the agency's professional staff and were able to observe the children in school and during lunch. The children appeared healthy, clean and happy and were behaving as any other group of

21. When we visited the facility on February 27, family reunification possibilities had been identified for 10 children by ORR and for another seven by Greer Woodycrest. As of March 23rd the ORR staff was still not present on campus. It appeared that placements might be handled from the ORR Washington office.

adolescents might be expected to behave.

The cottages in which the children live, 12 to a cottage, are cheerful and airy. There is a large recreation room with tables, chairs and comfortable sofas. On one side of the room, somewhat separated, there is a television area. On the other, similarly separated, is a kitchen area where the children prepare their breakfasts and snacks.

Two children share a comfortably sized room, furnished with beds and dressers. There is a closet space for each child. The children do the day-to-day housework with each child assigned a specific task. Lunch, the main meal, and a light supper are served in a large, attractively decorated hall.

The children have an academic and a work/study program, each for three hours on week days. For academic purposes the children are divided into four groups according to English language ability and prior education. Two classes meet in the morning and two in the afternoon. The two teachers, with Masters degrees and experience in teaching English as a second language to primary classes, are assisted by teachers' aides who are Haitians. The teachers do not speak Creole but use the teachers' aides, who are employed as child care workers, as translators when necessary. Few of the children had attended school beyond the fourth grade in Haiti and some had no prior schooling.

The work/study program includes such vocational preparation as house painting, carpentry, and work in the infirmary, kitchen and commissary. Some of the children are paid, between 50¢ and $1.00, for undertaking specific jobs in addition to the work/study activities. They may work three hours a day, five days a week. They are paid in cash and are shown how to deposit and later withdraw money from the institution's "bank".

There are two trips a week - one for recreational purposes and one that combines recreation and education. The latter is planned and led by one of the teachers. As an example, the children have been taken through a supermarket to learn the types of jobs that might be available for young people. At the time of our visit there were plans for a recreational outing

that might also involve "culture shock" - they were to attend a soccer game at Madison Square Garden in New York City.

There is a gymnasium on campus, a swimming pool, and large outdoor playing areas. The children are described as "not very coordinated for basketball." Soccer is their favorite contact sport.

The infirmary is staffed with nurses around the clock and medical and dental services are available in nearby communities. The children are reported to have the parasitic infestations or diseases that are common in the Carribean countries. One child was found to have active tuberculosis that is being treated. As a result, all of the children are being given preventive medication.

At the time of our visit there were 38 children in residence, seven of them girls. The youngest was nine years old; the majority, 15 or 16 years; some, nearing their 18th birthday. One 18 year old boy had left that day to join his uncle in New York City.

The children were reported to be well motivated, anxious to learn English and get a job, but unrealistic about life in the United States ("streets paved with gold", "jobs at $5.00 an hour"). Some were described as requiring the most basic preparation for life in the United States: for example, a recognition of appropriate toilet habits, knowledge of the use of knives and forks.

The agency has a large staff to provide care for the 38 children now there and for another 10.[22] There are the campus administrator, the program and assistant program director, four child care supervisors, 31 child care workers, around the clock nursing staff, two teachers, two social workers, several recreation supervisors and a number of cooks, maintenance workers and the like.

Comment:

Obviously we were impressed by the physical facilities and the completeness of the program provided for these children. We had been disturbed by the manner in which the children were segregated and then held,

22. Because of the uncertainties as to when children will arrive and depart, Greer Woodycrest has obtained approval for a staff sufficient for the care of 48 children at all times.

virtually incommunicado, for almost three months, from their arrival on December 5, 1980 until our visit on February 27. We continue to be disturbed by this extreme isolation and by certain aspects of the arrangements between ORR and the facility.

As we have noted, Greer Woodycrest operates as a "contract" agency for ORR. As of March 2, however, the contract was not completed and the program was operating under a letter of understanding. Citizens' Committee was provided by ORR with a copy of the "scope of the work," that presumably will be in the contract, and a statement of "accessibility and press policies" that is to govern the programs at Greer Woodycrest and the Florida facility.

Accessibility. Early in December, Citizens' Committee scheduled an appointment with the president of Greer Woodycrest in order to discuss the program and tour the facility. We did not ask to talk to the children or to receive any information that would invade the children's right to privacy. That appointment was abruptly cancelled at the behest of the ORR staff in Washington. Despite repeated requests, permission to visit the facility was not forthcoming until February 20. The reason for the exclusion of Citizens' Committee and any other visitors was always that the policy on accessibility had not been completed. A copy of that statement finally reached us on February 25 and is reproduced as Appendix C to this report.

We believe this is an unnecessary document, an example of bureaucracy at work. An established child care agency that has been entrusted with the day-to-day care of the children can surely be trusted to "ensure confidentiality of information and protection of individual children's rights" and to assure the ability of its administrative staff "to perform regularly assigned duties." They are surely better equipped to do so than are ORR staff based in Washington.

There is nothing in this statement that is objectionable or unreasonable. There is - equally - nothing in it that justifies the three months involved in its formulation. Above all, there is absolutely nothing in it that justifies holding children incommunicado for almost three months, thus denying them the protection of child advocates and the public conscience and possibly discouraging visits by relatives and friends.

We were told when we visited the facility that the delay had been caused by the need to protect the children from being kidnapped or "whisked away" for the purpose of exploitation.[23] There is nothing in the statement that speaks to that issue, however. We suspect the delay was caused by bureaucratic issues of who is to notify whom and in what order when requests to visit are received.

The Contract. ORR, in its site selection procedures for the detention center, stipulated that the facilities must be licensed as child care agencies in order to be considered. Greer Woodycrest, as noted, is licensed by the state of New York for up to 150 children. The contract, as the scope of the work section is currently drafted, will require the provision of services according to New York's child welfare standards, practices and procedures.

On the whole, we believe the contract, to the extent we have seen it, will insure appropriate quality care for the children. We have a number of concerns about the scope of the work section, however, and about the isolation issue which may or may not be covered by the contract.

1. The proposed contract provides that ".....as many staff as possible shall possess Creole language facility....."

We were informed (1) that 27 out of 31 child care workers are Haitian and (2) that many of those workers have come to the United States so recently that the senior staff must provide acculturation for them as well as for the children. To the extent that the latter is true, it presents a serious problem since we believe that all of the services at the facility should be directed toward the children.

We are concerned with the effect this large proportion of Creole speaking staff will have on the children's rate of progress in English language ability. Living in a group situation as they do, the children will be inclined naturally to use their native tongue. If the majority of the child care staff, who relate most directly to the children and for the largest amount of time, can understand and speak Creole, the impetus to move ahead in English ability will

23. There appeared to be a genuine concern about this at the facility: access roads were barricaded and all of the staff wore identification badges. It is said that some children have been spirited away, or otherwise have disappeared from the Florida facility.

be lessened.

While we commend Greer Woodycrest for its recruitment, we believe it would be better if there were a greater mix in staff backgrounds. The contract should be amended to require among those who work closely with the children a balanced ratio of persons well acquainted with the English language and American culture as well as the children's own language and culture.

2. The proposed contract provides that "the contractor shall complete an assessment for each child.....within 10 working days from the date of admission." and then specifies numerous details that must be included in those assessments.

ORR staff had initially stated to Citizens' Committee and others at a conference in New York City that the assessments and placements of the children would be handled by their staff who would be stationed at Greer Woodycrest. Later it was stated that the Greer staff was expected to assess the service needs of each child and, based on that assessment, ORR staff would assess the kind of placement required and try to secure it.

This is perhaps a case of semantics at work but there are other issues here:

(a) The assessment must include a "psycho-social assessment." It was stated at the meeting cited above that psychiatric examinations and psychological evaluations would be conducted only with the express approval, as to each child, of the ORR supervisor of the programs, based in Washington. We have been told that this continues to be the case and the "psycho-social" assessment will be made by a social worker, not a psychiatrist or psychologist. The contract, we are told, is to be amended in that regard.

We agree that children, particularly children from another culture, should not be subjected routinely to psychiatric and psychological examinations. We believe, however, that contract language should be quite specific and that there is no excuse for its terms to be vague or misleading three months after the children arrived at the institution. The contract should define the psycho-social report and stipulate the qualifications of the person who will develop it.

(b) Three times this draft contract section refers to the children's religion: "A definition of religious preference and practice" is a required element of the assessment; "essential data and official documents relating to.....religion" must be included in the children's case records; the contractor must develop a service plan that includes material pertaining to "religious activities."

We believe - and have recommended - that the wishes of children must be considered when placements are to be made. This would include the child's wishes, freely expressed, as to religion. Similarly, we believe that detention facilities such as Greer Woodycrest should provide an opportunity for religious observation for any child that wishes it. We do not believe that all of this information should be required and dossiered. A contract between the federal government and a voluntary agency should uphold the First Amendment to the Consitution.

(c) There are other issues that may or may not be covered by the contract once it is completed. One, of course, is the right of the children to have visitors at the institution and to visit relatives and friends away from the facility. The first is covered by the accessibility statement and it remains to be seen how it is implemented. It can be used to limit or prevent such visits. The latter is not covered in any material we have received. It is, of course, vital to family reunification - not to mention the children's learning about life in the United States.

Politics and Bureaucracy: As we have noted elsewhere in this report, the eventual determination of the legal status of the Cuban and Haitian entrants will be a political decision. Clearly, the handling of the unaccompanied Haitian children has been directed, on the one hand, by a desire to provide good care for them and, on the other hand, by political, monetary and bureaucratic concerns.

None of this justifies the placement of vulnerable children in an institution, how ever attractive it may be, without consulting with the responsible state licensing officials as to the current appropriateness for the particular group of the facility's staff and location; without having a

contract in place, and without having even a visitation policy prepared. We believe that the time spent by ORR in locating Greer Woodycrest and negotiating a contract would have been much better spent in negotiating with one or more of the national voluntary agencies to provide for the resettlement, permanently or temporarily, of these children.

As we noted earlier, the Director of ORR requested the assistance of 48 states in the placement of the children - on February 12, 1981, two months plus after the opening of the Greer Woodycrest detention center. Yet the ORR supervisor of this program, based in Washington, D.C., stated on January 21 at a public meeting that ORR was committed to moving the children into permanent and appropriate placements within ninety days. The supervisor stated that the ninety day period was ORR's "commitment to itself," that it was not embodied in the contract, rule or regulation.

We fear that the children will stay much longer in an institution that - attractive, protective and comfortable as it is - cannot really prepare them for the transition from Haiti to the industrialized hurly burly of the United States. The staff is not available at the institution and we question how well placements can be made by long distance. We also fear that, if the effort to place the children in several states is successful, the children will be lost in the various state child welfare systems.

We question how long ORR will be able to maintain even a minimum staff, given the intended cutbacks in the federal government, to oversee the children's continued appropriate placements, their opportunities for reunification with family members, for contact with other Haitians, and for job opportunities.

We have found that the programs for unaccompanied Indochinese youth, established by the national voluntary agencies with the cooperation and oversight of ORR and the state and local departments of social service, have worked well and the young men and women have prospered. We believe similar programs should be established for the young Haitians.

APPENDIX A

Notes on the

CONFERENCE ON UNACCOMPANIED REFUGEE
AND ENTRANT MINORS IN THE UNITED STATES

Forty-nine persons met at the offices of Citizens' Committee for Children on January 21 to discuss the rights of unaccompanied refugee and entrant children and the responsibilities of public and private agencies at the national, state and local levels. The group was composed of representatives of those agencies, private individuals involved with refugee issues and members of Citizens' Committee.[24]

Much of the information and discussion has been incorporated into the body of this report. Additional information and the areas of agreement reached by the group follow.

ORR Priorities and Plans

The director of the Division of Policy and Analysis, Office of Refugee Resettlement (ORR), Department of Health and Human Services, Washington, D.C. discussed some of the principles and problems that direct the recent past and current activities of ORR. He stressed that plans are tentative, dependent on decisions by the new administration and Congress.

He reported that programs for children are among the most difficult of refugee issues, demanding extensive attention from key ORR staff. It is generally believed that at least 40% of the refugees in the United States are under 18 years of age, the vast majority of them members of family units. ORR finds a need to assess the services available for these children: to determine more precisely how many refugee children there are, where they are living and how they are being educated, and their access to the child welfare systems in the states.

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24. See attached conference list.

ORR is mandated by the Act to establish data collecting systems and to report annually to Congress on the status of refugee programs, including those for unaccompanied minors. ORR staff believe they will be able to establish a sophisticated tracking system that will be helpful in family reunification and provide basic information about this mobile population.

The five principles, or guidelines, that ORR is following with regard to the unaccompanied minors programs are:

1. Avoidance of differential treatment.
   The establishment of different procedures or types of programs for each group of refugee or entrant children will be avoided except where it is absolutely necessary. The Act permits flexibility but entirely new systems should not be created for each separate group of refugees.

2. Need for more formal procedures.
   In the past, refugee matters have been governed by what might be termed "ad hoc" legislation: one statute for Hungarians, another for Soviet Jews, others for Cubans and Indochinese. Details have been handled through the mechanism of "action transmittals," also called "program instructions." ORR will move now to articulate more coherent policies through the development of regulations.

3. Establishment of basic principles.
   Regulations will be limited to material that is essential since the regulations, once promulgated, limit flexibility. ORR believes, however, that the basic principles should be clearly stated - available to and known and understood by the public.

4. Development of regulations.
   The ORR staff is anxious to have the public involved in the development of policies and regulations and are consulting with people outside Washington. This effort will be increased as the rule making process goes forward.

5. Similar policies.
   There is a basic difference in the legal status of unaccompanied

minors from Indochina, who are refugees, and those from Cuba and Haiti, who are denominated as "entrants." To the maximum extent possible, similar, if not identical policies will be utilized for both groups.

Issuance of action transmittals and the promulgation of regulations will be determined by the new administration. As planned at that time, the schedule was:

February:

Distribution of a detailed action transmittal on unaccompanied refugee minors at the end of the month. This will supercede earlier action transmittals governing programs for the Indochinese children.

March:

Distribution of a program instruction providing for detailed reporting on unaccompanied minors.

"Notice of Proposed Rule Making" (NPRM) to be published in the Federal Register with the text of proposed regulations.[25]

April/May:

Sixty day review and comment period.

July:

Publication of final text of regulations, revised as appropriate.

October 1:

Effective date of regulations.

It was stated that this procedure for promulgating regulations is the standard method. Drafts of regulations to cover four major areas (child welfare, federal financial assistance to the states, income and medical assistance) are almost completed. They have been circulated to the regional ORR offices and discussed with outside groups. The initial publication is dependent on clearance by the Department of Health and Human Services. Copies of the material published in the Federal Register will be supplied to the participants at the Conference.[26]

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25. Editorial note: On January 30, President Reagan announced a stay on the promulgation of all rules and regulations. It would appear therefore, that this timetable will not be met.

26. CCC has provided ORR with the names and addresses of the participants in the conference for this purpose.

Throughout the day much of the discussion centered on the involvement of ethnic communities in planning programs for unaccompanied minors. ORR staff read excerpts from a recently issued "program instruction, action transmittal" to govern the care of Cuban/Haitian Entrant Unaccompanied Minors as illustrative of its approach. The excerpts are:[27]

8.3 Placement: The State child welfare agency will be responsible for the placement of Cuban and Haitian Entrant unaccompanied minors within its jurisdiction. The Office of Refugee Resettlement will be available to provide technical assistance, where requested and appropriate, to facilitate the placement of such minors in cooperation with the State or local public child welfare agency.

Individual circumstances will dictate the most suitable placement for each minor. The manner of placement should consider the needs of the child for social, health, and educational services. Placement options would include individual or group foster care or residential treatment, depending on the needs of the child and the placement resources available in the State.

Prolonged or permanent placement in a large facility or one remote from other members of the minor's cultural or ethnic group, except in cases of extreme necessity, is not considered appropriate.

The placement should permit the child to retain his or her cultural heritage as well as facilitate family reunification where possible.

8.4.2 Placement: ORR will assist in identifying potential placements by working with public and private child welfare agencies, Cuban and Haitian community organizations, and voluntary resettlement agencies. Home studies to determine whether the potential placement is suitable will be undertaken by the State child welfare agency or by a contractor designated by the State agency. Upon a positive determination, the case, along with the requisite documentation, will be presented to the appropriate State agency for acceptance. Costs incurred for home studies are allowable, reimbursable expenses.

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27. Action Transmittal, Program Instruction, ORR-AT-80-7, December 10, 1980, Sec. 8.3 and 8.4.2

Consensus:

The discussion addressed the fundamental rights of unaccompanied children; the appropriate inter-relationship between the federal, state and local governments and voluntary agencies in the establishment and funding of such programs; and the appropriate response of the federal government to unaccompanied entrant children. There was a clear consensus that all unaccompanied refugee or entrant children are entitled to:

I. Equality of treatment:

Equality of treatment means (1) equal treatment for groups of unaccompanied children from different backgrounds and with different legal status, and (2) the same access to human social services for unaccompanied children as that of American born children.

II. Preservation of ethnic identify:

The preservation of a child's ethnic identity requires, at least, the participation of the ethnic community in planning for services and in the provision of both direct and support services to the maximum extent possible.

Preservation of an unaccompanied child's ethnic identity will be enhanced by foster care placements that take into consideration, to the degree possible, each child's ethnic and social background.

III. Family Reunification:

There is a moral responsibility to assist in the reunification of families through the establishment of an information tracking system, cooperation with national resettlement agencies, and the involvement of the ethnic community.

IV. Regulations:

The principles in I - III should be embodied in clear and precise statements in federal regulations.

V. Partnership:

Programs for unaccompanied children should be developed with the participation of the federal government and national voluntary agencies and the state and local governments. The state and local governments should participate in the selection of local voluntary agencies to provide or supervise child care.

APPENDIX A

PARTICIPANTS IN THE CONFERENCE

Mrs. Jesse D. Wolff	President, Citizens' Committee for Children of New York, Inc. (CCC)
Mrs. Eric Haight	Chairperson, Citizens' Committee for Children of New York, Inc. Task Force on Unaccompanied Indochinese Refugee Minors
Mr. Bernard C. Fisher	Executive Director, Citizens' Committee for Children of New York, Inc.
Speakers	
Mr. Dennis Gallagher	Director, Division of Policy and Analysis Office of Refugee Resettlement Department of Health and Human Services
Mr. William Eckhof	Unaccompanied Minors Program/Children's Issues, Office of Refugee Resettlement
Ms. Elizabeth McDaid	Unaccompanied Haitian/Cuban Children's Program, Office of Refugee Resettlement
Participants	
Ms. Marta K. Brenden	Lutheran Immigration and Refugee Service
Ms. Heather Burns	St. Dominic's Home
Ms. Mary Jane Fales	International Social Service, American Branch
Ms. Arthur A. Feder	CCC Task Force on Unaccompanied Minors
Ms. Sharon Ganly	St. Agatha Home
Ms. Emily Gardner	Child Welfare League of America, Inc.
Ms. Sandra Garrett	Office of Refugee Resettlement
Ms. Georgiana Gleason	American Council of Voluntary Agencies
Ms. Laury Gordon	Lutheran Immigration and Refugee Service
Ms. Nancy Green	International Social Services, American Branch
Ms. Beverly Gross	Special Services for Children, New York City
Ms. Rosalind Harris	Consultant to CCC Task Force on Unaccompanied Minors
Mr. Robert Heischober	Special Services for Children, New York City
Dr. John Ho	Mission of the Immaculate Virgin
Mr. Joseph Juliana	St. Christopher's Home
Ms. Kate Katzki	Indochinese Refugee Action Center
Ms. Nancy Long	American Council for Nationalities Service
Ms. Luba Lynch	The Field Foundation

Mr. Tom McAndrews	St. Agatha Home
Ms. Marie Mercer	State Department of Social Services
Ms. Elba Montalvo	New York Hispanic Task Force on Child Abuse
Ms. Ann Moroney	Catholic Home Bureau
Mr. Jack Moscatelli	Guest
Mr. Walter Murawski	St. Christopher's Home
Prof. Rita Ortiz	Columbia University School of Social Work
Hon. Claire Pearce	Commissioner, Special Services for Children , New York City
Ms. Suzanne Pham	Office of Refugee Resettlement, Region II
Mr. Peter Pond	Committee on Buddhism and Peace
Ms. Charlotte Pratt	CCC Task Force on Unaccompanied Minors
Mr. Morton Rogers	Louise Wise Services for Children
Mr. Joseph Ryu	State Department of Social Services
Ms. Sandra Sennett	United Nations High Commissioners for Refugees - staff
Mrs. Robert F. Siffert	CCC Task Force on Unaccompanied Minors
Ms. Carol Smith	Catholic Guardian Society
Ms. Dai Spencer	American Council of Voluntary Agencies
Dr. Jerry Topitzer	St. Vincent's Hall
Rev. Henry K. Wohlgemuth	Lutheran Children & Family Service, Philadelphia
Mr. Robert Wright	United States Catholic Conference

Citizens' Committee for Children of New York, Inc. staff:

Ms. Brooke McAdam
Ms. Hermine Nessen
Ms. Joan Ohlson
Ms. Elizabeth T. Schack
Ms. Karin Seastone Stern

APPENDIX B

Programs for Unaccompanied Indochinese Refugee Minors, 1979/80 and 1980/81

Agency	1979/80 Number of Admissions Authorized	1979/80 Number Actually Admitted (a)	Jan. 1981 Number Still in Care	1980/81 Proposed Admissions
Catholic Charities Syracuse	20	29	20	20
Catholic Family Center - Rochester	20	20	17	20
Catholic Guardian Society - Brooklyn	30	26	22	20
Catholic Home Bureau Manhattan	35	25	22	20
Lutheran Service Society - Buffalo	25	28	25	25
Mission of the Immaculate Virgin Staten Island	35	55 (b)	47	30 - 35
St. Agatha Home Rockland County	37	41	26	11
St. Christopher's Home Nassau, Suffolk	25	28	28	25
St. Dominic's Home Rockland County	25	30	22	25
Louise Wise Service Manhattan	---- (c)	----	----	30
Sheltering Arms Children's Services	---- (c)	----	----	20 - 25
St. Vincent's Hall Brooklyn	---- (c)	----	----	25
TOTALS	252	282	229	278 - 281

a. The number actually admitted, over the number authorized, includes youth who were united with families and additional numbers who filled those slots.

b. Mission of the Immaculate Virgin assumed responsibility for the 15 youth for whom the Catholic Guardian Society and Catholic Home Bureau did not provide, as well as for another 5 admitted under special circumstances.

c. These agencies are new to the program in 1980/81.

APPENDIX C

ACCESSIBILITY AND PRESS POLICY

The following Office of Refugee Resettlement policy establishes guidelines and procedures regarding public accessibility to unaccompanied minors facilities and press inquiries concerning The Cuban/Haitian Unaccompanied Minors Program. This policy is established to ensure confidentiality of information and protection of individual children's rights as well as to ensure the ability of facility administrative staff to perform regularly assigned duties.

All requests to visit unaccompanied minors facilities must be made to the Director, Krome South facility or the Director, Greer-Woodycrest Children's Services, as appropriate.

1. The Director, Krome South, will refer all requests to visit the Krome South facility to the Miami Office of the Cuban/Haitian Task Force for clearance. The Director, Krome South, will alert the Central Office, Office of Refugee Resettlement, Washington, D.C., of all requests to visit the Krome South facility.

2. The Director, Greer-Woodycrest Children's Services, shall refer all requests to visit the Greer-Woodycrest facility to the Central Office, Office of Refugee Resettlement, Washington, D.C. The Office of Refugee Resettlement will alert the Central Office, Cuban/Haitian Task Force, Washington, D.C., of all requests to visit the Greer-Woodycrest facility.

All visitors shall be escorted through the facility by the Director or his/her designee. In most instances, Cuban/Haitian Task Force, Miami, staff will accompany visitors through the Krome South facility.

No unaccompanied minor shall be interviewed unless the minor has agreed to the interview in writing. No pictures can be taken of the minors without their consent.

No visitors shall give any gifts, money or other items to any unaccompanied minor without the express approval of the Director, Krome South facility or the Director, Greer-Woodycrest Children's Services, as appropriate.

The Director, Office of Refugee Resettlement, reserves the right to refuse accessibility to the unaccompanied minor facilities if circumstances so require.

2/81

Citizens' Committee for Children believes that every child has a right to a decent start in life and toward that goal has been lifting its voice for almost forty years in our City. Children cannot speak for themselves and they must rely in an ever more complex society on the persons who make up this unique organization of professional and lay people: The Citizens' Committee for Children.

Whether problems concern health or education, civil or legal rights, protection or nurture of family life, the Committee is there. Informed positions on all these problems and action to alleviate or prevent them are our only business.

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